

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company
Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS,
a division of ARCH LIGHTING GROUP, a
Rhode Island Corporation

Defendant.

Civil Action No. 05-CV-10945 WGY

**PLAINTIFF'S MOTION IN LIMINE
TO EXCLUDE TESTIMONY OF DEFENDANT'S EXPERT,
IAN LEWIN, ON GROUND THAT HE NEVER VIEWED ACCUSED PRODUCT**

Plaintiff, Genlyte Thomas Group LLC ("Genlyte"), by counsel, submits this Motion in Limine to exclude at the trial of this cause, any and all alleged non-infringement testimony from Defendant's noticed expert, Ian Lewin ("Lewin"), on the grounds that he never viewed the accused product. Instead, Lewin bases his opinion on photometric tests that do not reflect the actual use conditions of the accused product.

Full grounds for this motion are set forth in the accompanying Memorandum of Law.

Respectfully submitted,

/s/ Kevin Gannon

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Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 19th day of January, 2007.

Counsel for Plaintiff, Genlyte Thomas Group LLC

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Order Granting

**PLAINTIFF’S MOTION IN LIMINE TO EXCLUDE NON-INFRINGEMENT
TESTIMONY OF DEFENDANT’S PROFFERED EXPERT, IAN LEWIN**

On motion of Plaintiff, Genlyte Thomas Group LLC (“Genlyte”) to exclude at the trial of this cause, any and all testimony from Defendant’s proffered expert, Ian Lewin, on the issue of non-infringement the patent-in-suit, U.S. Patent No. 5,238,254 (“the ‘254 Patent”), and the Court having considered said motion and any response thereto, and after reviewing the Record in this case, and being sufficiently advised,

IT IS ORDERED that Plaintiff’s motion is granted. IT IS FURTHER ORDERED that Ian Lewin may offer no testimony relating to alleged non-infringement of the ‘254 Patent at the trial of this case.

SO ORDERED THIS ____ DAY OF JANUARY, 2007.

U.S. District Judge

TENDERED BY:

/s/ Kevin Gannon

James E. Milliman (Pro hac vice)

James R. Higgins, Jr. (Pro hac vice)

Robert J. Theuerkauf (Pro hac vice)

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